

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

PAUL S. McCARTNEY, et. al.,	:	
Plaintiffs,	:	Case No. 3:11CV394
vs.	:	District Judge Timothy S. Black Magistrate Judge Sharon L. Ovington
N AND D RESTAURANTS, INC., d/b/a Red Lobster #868,	:	
Defendant.	:	
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**ORDER RESETTING COURT-CONDUCTED MEDIATION**

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The above-captioned action is hereby set for mediation at **10:00 a.m. on Tuesday, September 25, 2012**, at the United States Courthouse and Federal Building, 200 West Second Street, Room 523, Dayton, Ohio 45402. The terms and conditions of the mediation are as follows:

**Designation of mediator:** Per Order of Reference filed on July 11, 2012, the undersigned will serve as the mediator in this case. The case remains assigned for trial and all other purposes to District Judge Timothy S. Black.

**Preparation for Mediation:** Not later than **Friday, September 21, 2012**, each party shall submit to Magistrate Judge Sharon L. Ovington and all other parties (without formal filing with the Clerk of Court) a mediation conference statement in letter form. The statement shall set forth the relevant positions of the parties concerning factual issues, issues of law, damages, and the settlement negotiation history of the case, including a recitation of any specific demands and offers that have been conveyed. These statements will be maintained by the Court separate and apart from the case

file.

**Attendance and Participation:** Unless excused by the Court, parties or party representatives with complete authority to negotiate a settlement of the case shall attend the mediation session.

**Confidentiality:** Pursuant to S. D. Ohio Civ. R. 16.3(c), all statements made by the parties relating to the substance or merits of claims or defenses made in the case, whether written or oral, made for the first time during the mediation conference or in the mediation conference statements required above shall be kept confidential by the Court, the parties, and counsel and shall not be admissible in evidence for any reason during the trial of this case.

August 15, 2012

s/Sharon L. Ovington  
Sharon L. Ovington  
United States Magistrate Judge